

Healthy Homes Manual

Smoke-Free Policies in Multiunit Housing



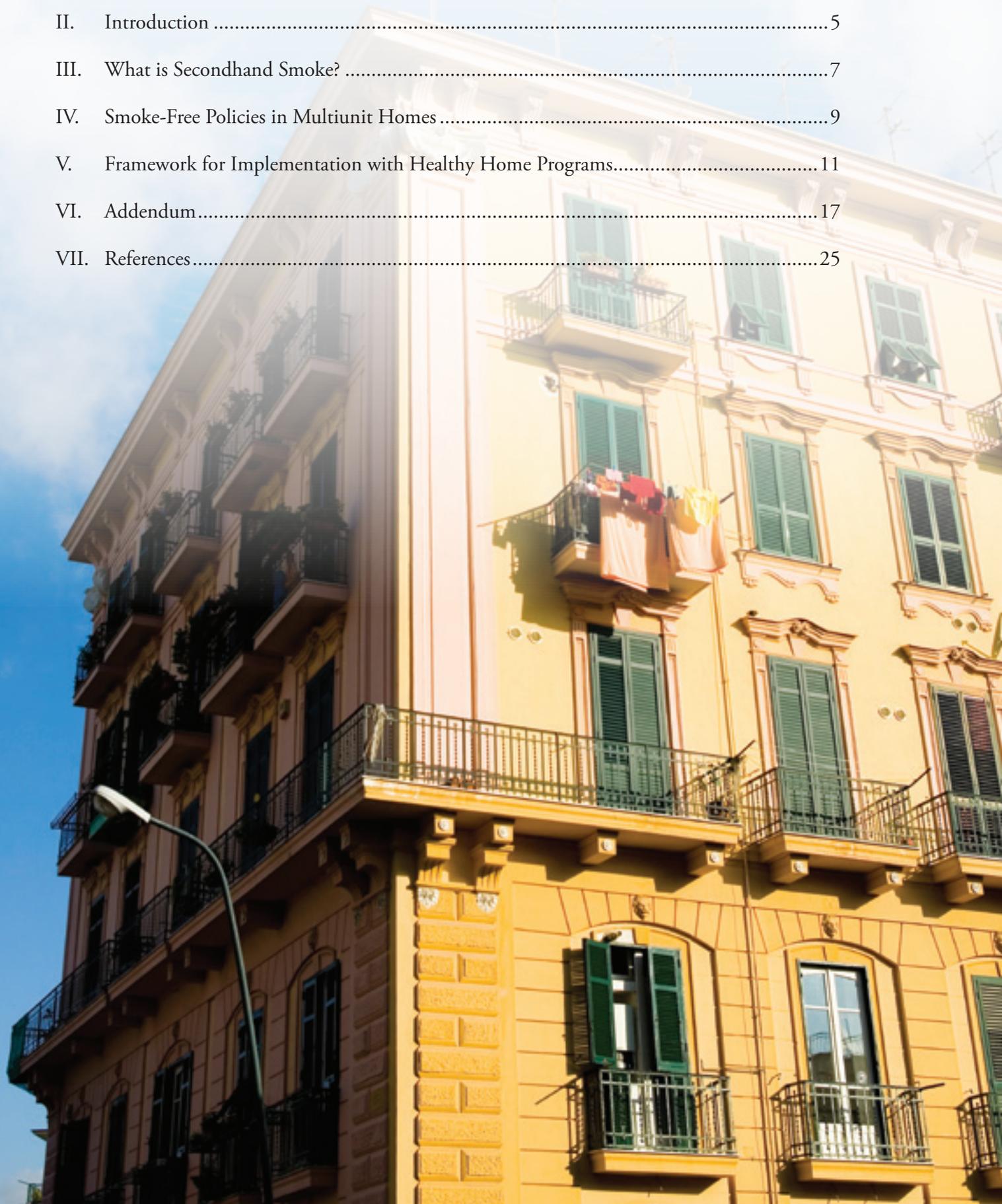
National Center for Environmental Health
Division of Emergency and Environmental Health Services



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Healthy Homes and Lead Poisoning Prevention Branch

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This publication is available at <http://www.cdc.gov/healthyhomes>.

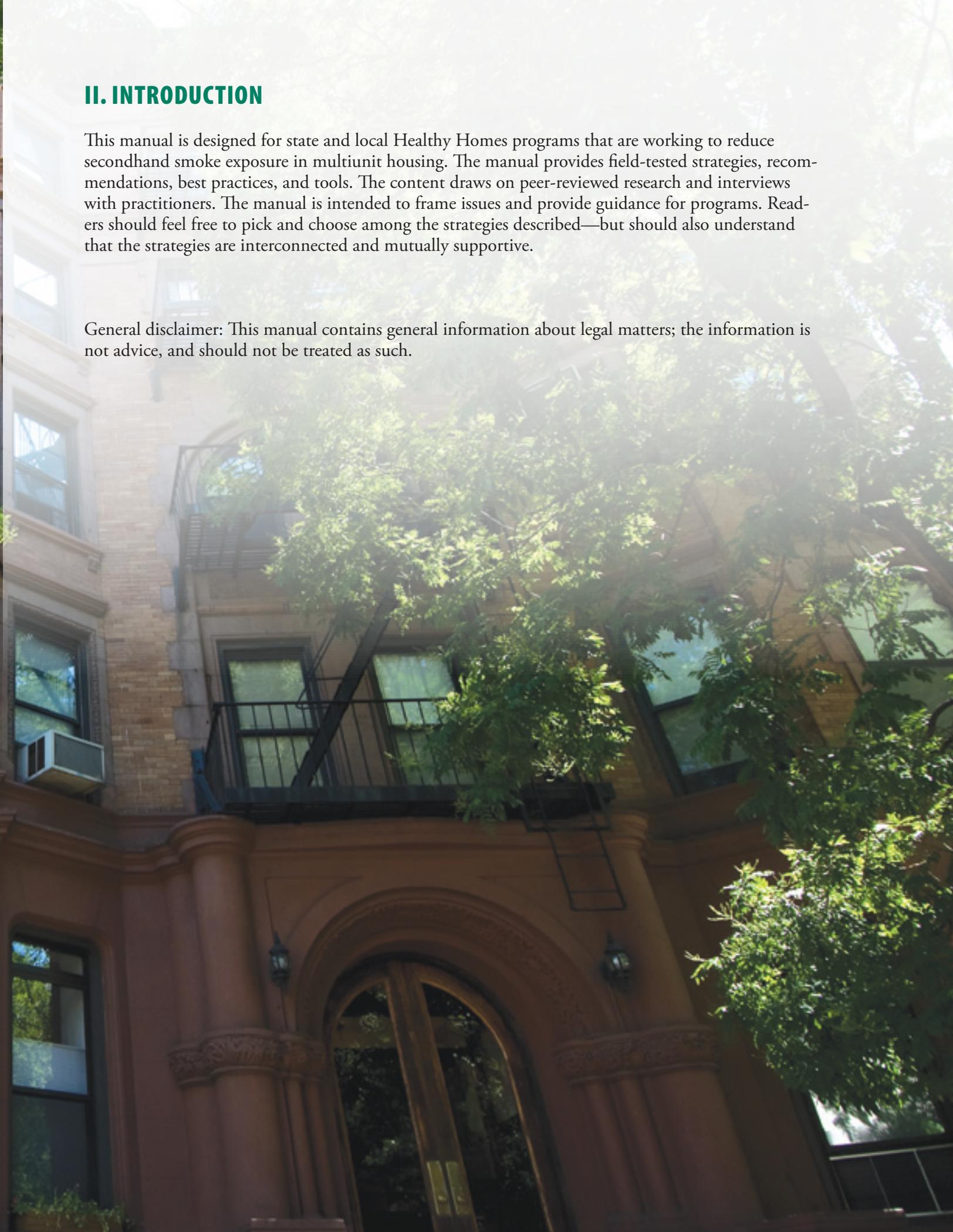




II. INTRODUCTION

This manual is designed for state and local Healthy Homes programs that are working to reduce secondhand smoke exposure in multiunit housing. The manual provides field-tested strategies, recommendations, best practices, and tools. The content draws on peer-reviewed research and interviews with practitioners. The manual is intended to frame issues and provide guidance for programs. Readers should feel free to pick and choose among the strategies described—but should also understand that the strategies are interconnected and mutually supportive.

General disclaimer: This manual contains general information about legal matters; the information is not advice, and should not be treated as such.





III. SECONDHAND SMOKE: WHAT IS IT AND WHY IS IT A PROBLEM?

Secondhand smoke (SHS), also known as environmental tobacco smoke, is defined as a mixture of sidestream smoke from the tip of the cigarette and mainstream smoke exhaled by the smoker.^{1,2-4} SHS contains more than 4,000 chemicals (Figure 1),⁵ of which at least 250 are known to be harmful, and more than 50 are known to cause cancer.^{2,3,6}

Major medical and scientific organizations agree that SHS exposure can cause disease and premature death in nonsmokers. These include heart disease and lung cancer in nonsmoking adults and sudden infant death syndrome, bronchitis, pneumonia, and ear infections in children. SHS exposure can also cause children with asthma to experience more frequent and severe asthma attacks.^{4,7-13} SHS exposure is estimated to cost \$5 billion a year in direct medical costs and an additional \$5 billion annually in indirect economic costs in the United States.¹⁴ The Surgeon General has concluded that there is no safe level of exposure to SHS.⁴ Even brief exposures can cause serious health effects, especially for vulnerable populations.⁴

- ▶ SHS can worsen pre-existing conditions such as heart disease and respiratory problems.⁴
- ▶ Because children breathe faster than adults, have smaller bodies and lungs, and are still developing, they are especially vulnerable to the health effects of SHS.^{4,15}
- ▶ Exposure to secondhand smoke increases the risk for Sudden Infant Death Syndrome.⁴

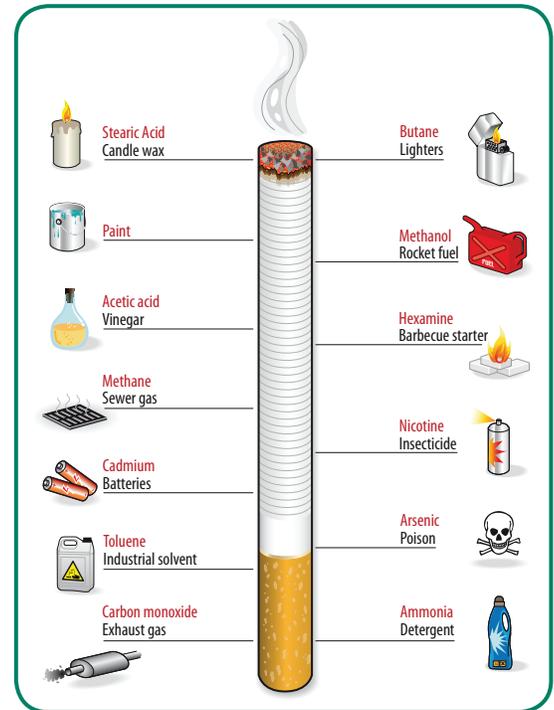


FIGURE 1: SHS COMPONENTS

In response to growing evidence that SHS poses serious health risks to nonsmokers and that only eliminating smoking in indoor settings fully protect nonsmokers^{4,16} a growing number of states, communities, and businesses have adopted smoke-free laws and policies that eliminate smoking in workplaces and in public places, including restaurants and bars, to protect nonsmokers from SHS.³¹ Smoke-free laws have been shown to reduce SHS exposure among nonsmokers, to reduce heart attack hospitalizations, and to help smokers quit.^{4,7,22} Several recent studies have also suggested that smoke-free laws may reduce asthma hospitalizations and emergency room visits.⁴⁸⁻⁵¹ Smoke-free laws typically receive high levels of public support and compliance, with the level of support increasing over time after the laws are implemented, especially among smokers.^{4,22} Smoke-free policies also educate the public about the health effects of SHS and change social norms.^{4,22} This leads to a number of secondary options, including increased adoption of voluntary smoke-free home rules.^{2,4,22,23}

However, nonsmoking residents of multiunit housing complexes who choose to make their units smoke-free may still be exposed to SHS that infiltrates their units from other units or common areas, potentially endangering their health.²⁴

“The connection between the health and the dwelling of the population is one of the most important that exists.” – Florence Nightingale



IV. SMOKE-FREE POLICIES IN MULTIUNIT HOMES

The proportion of U.S. households with smoke-free home rules increased from 43 percent in 1992-93 to 77.6 percent in 2006-2007.¹⁶ The proportion of households with at least one smoker which had adopted smoke-free home rules increased from 10 percent in 1992-93 to 32 percent in 2003, while the proportion of households with no smokers with such rules in place increased from 57 percent to 84 percent over this period.¹⁷ Smoke-free homes were defined as homes where no one is allowed to smoke inside.¹⁷ Additionally, smoke-free home policies are associated with greater use of medications that assist in cessation among current smokers and lower rates of relapse among former smokers.^{18,19}

However, smoking still occurs in many households.¹⁶ For this reason, and because people spend much of their time in their homes, the home remains a major source of SHS exposure.⁴ This is especially true for young children, who tend to spend especially large amounts of time in the home and who have little control over their exposure to SHS.^{4,17} More than half of U.S. children are exposed to SHS.²⁰ Almost all children and nonsmoking adults who live with smokers who smoke in the home are exposed to SHS.^{17,20}

Because private single-family homes cannot be required to go smoke-free, clinical and educational initiatives are typically the only viable direct approach for reducing SHS exposure in this setting.²¹ As noted above, laws making workplaces and public places smoke-free can contribute indirectly to increased adoption of smoke-free home rules by private households.^{22,23} These initiatives can encourage households to adopt voluntary smoke-free home rules, motivate smokers to quit, and guide smokers who want to quit to proven cessation treatments and services.^{4,22}

However, in multiunit housing facilities, smoke-free policies can potentially play an important role in protecting residents from SHS. SHS can infiltrate from units where smoking occurs into common areas and other units where residents have adopted voluntary smoke-free home rules. SHS can infiltrate into these areas through air ducts, cracks in floors and walls, stairwells, hallways, elevator shafts, plumbing, electrical lines, and open windows, among other routes.²⁴ In fact, as much as 60 percent of airflow in multi-unit housing facilities can come from other units.^{20,24} Nearly 50 percent of multiunit housing residents report that they have experienced SHS infiltrating their unit.²⁵⁻²⁷ Smoke-free policies in multiunit housing can protect all occupants from SHS infiltration in individual units and common areas. Smoke-free policies can apply to indoor common areas (e.g., lobbies, laundry rooms, corridors), outdoor common areas (e.g., swimming pools and picnic and barbecue areas), and individual units, and to some or all buildings. Whatever areas such policies cover, they should apply to all residents and visitors at all times. This is necessary for the policies to be effective in protecting multiunit housing residents from SHS, since SHS constituents can linger in indoor settings long after smoking has ceased.²⁸ In some cases, management may need or choose to grandfather existing tenants who smoke for a certain period, such as the time until next lease renewal.

Incentives for multiunit housing operators to provide smoke-free housing

- Reduced Staff Time
- Lower Turnover Costs
- Improved Tenant Health
- Support Healthy Behaviors
- Popular Amenity with Existing and Prospective Tenants
- New Amenities in Selling Points
- Reduced Fire Risk
- Lower Insurance Costs

Apartment owners, managers, condominium associations, and public housing authority boards may all adopt policies eliminating or restricting smoking in multiunit housing facilities under their control.²⁹ A number of communities in California have adopted ordinances restricting smoking in multiunit housing, including several ordinances that eliminate smoking in individual units in certain types of multiunit housing.³⁰ Several communities in California and a number of states have enacted laws eliminating smoking in common areas, requiring disclosure of smoking policies and status, or establishing that SHS is a nuisance.³¹⁻³⁵ As with smoke-free policies in workplaces, public places, and other settings, smoke-free policies in multi-unit housing do not ban smokers from using the smoke-free facilities, but simply prevent smokers from smoking in settings where SHS affects others—in this case, primarily through SHS infiltration. In other words, smokers are not precluded from living in smoke-free multiunit housing, as long as they adhere to the smoke-free policy.

Although there is limited information available, surveys and focus groups indicate that, while many multiunit housing owners and managers are interested in adopting smoke-free policies, some express concerns about doing so.³⁶ These concerns typically fall into three major categories. First, many multiunit housing proprietors believe that it is illegal for them to bar tenants from smoking in their units.³⁶ Second, they fear that a smoke-free policy would make it difficult to attract new tenants or retain current tenants.³⁶ Finally, they are concerned that enforcing the policy could prove difficult, time-consuming, and expensive.³⁶

However, with regard to the first concern, no legal barrier prevents owners or managers of multiunit housing complexes from adopting smoke-free policies, including policies that apply to individual units.^{29,37} The second concern is also unwarranted, with surveys finding that most tenants prefer smoke-free policies.^{25-27,32} Finally, in terms of the third concern, no evidence exists that smoke-free multiunit housing policies would be difficult to implement and enforce. In fact, operators of multiunit housing with existing smoke-free policies indicated that they are more likely to keep the policies in place.³⁶

Smoke-free policies in multiunit housing may also potentially have significant economic benefits for owners. Most important, preparing a smoker's unit for occupancy by a new tenant often requires substantially greater time and money than readying a nonsmoker's unit. For example, smokers' units may require extensive repainting, repair of burn damage, and replacement of carpeting, draperies, and upholstered furniture.³⁸⁻³⁹ Secondly, smoking is also a major cause of residential fires and the leading cause of fatal residential fires.⁴⁰ Finally, owners and managers could potentially be subject to legal action by tenants who experience health problems as a result of SHS infiltration.²⁹ Multiunit housing residents in several states have brought such legal action in recent years, with mixed results.^{29, 33}

Educational outreach can provide multiunit housing operators with this information. In recent years, as more multiunit housing operators have become aware of the benefits of smoke-free policies and recognized that they can be implemented successfully, an increasing number of private multiunit complexes and public housing authorities have opted to go smoke-free. The U.S. Department of Housing and Urban Development has issued notices encouraging housing authorities and Section 8 housing facilities to adopt smoke-free policies voluntarily, including in individual units.⁴¹⁻⁴²

Smoke-free policies in multiunit housing are a win-win – protecting tenants' health while also helping protect owners' investment.

V. FRAMEWORK FOR IMPLEMENTATION WITH HEALTHY HOMES PROGRAMS

Initiatives to reduce SHS exposure in multiunit housing offer an attractive opportunity for newly created or transitioning Healthy Homes programs. These initiatives offer Healthy Homes programs a chance to address a potential residential source of indoor air pollution and poor health (See Figure 2).^{4,22, 43} Unlike some other home health hazards, SHS exposure is preventable; adopting and enforcing a 100 percent smoke-free policy should eliminate most SHS exposure in the home. In addition, because of the growing interest in and demand for smoke-free multiunit housing policies, work in this area may open partnership and funding opportunities. Moreover, because smoke-free multiunit housing policies are relatively simple to adopt, addressing this issue could potentially yield early victories, generating further momentum.

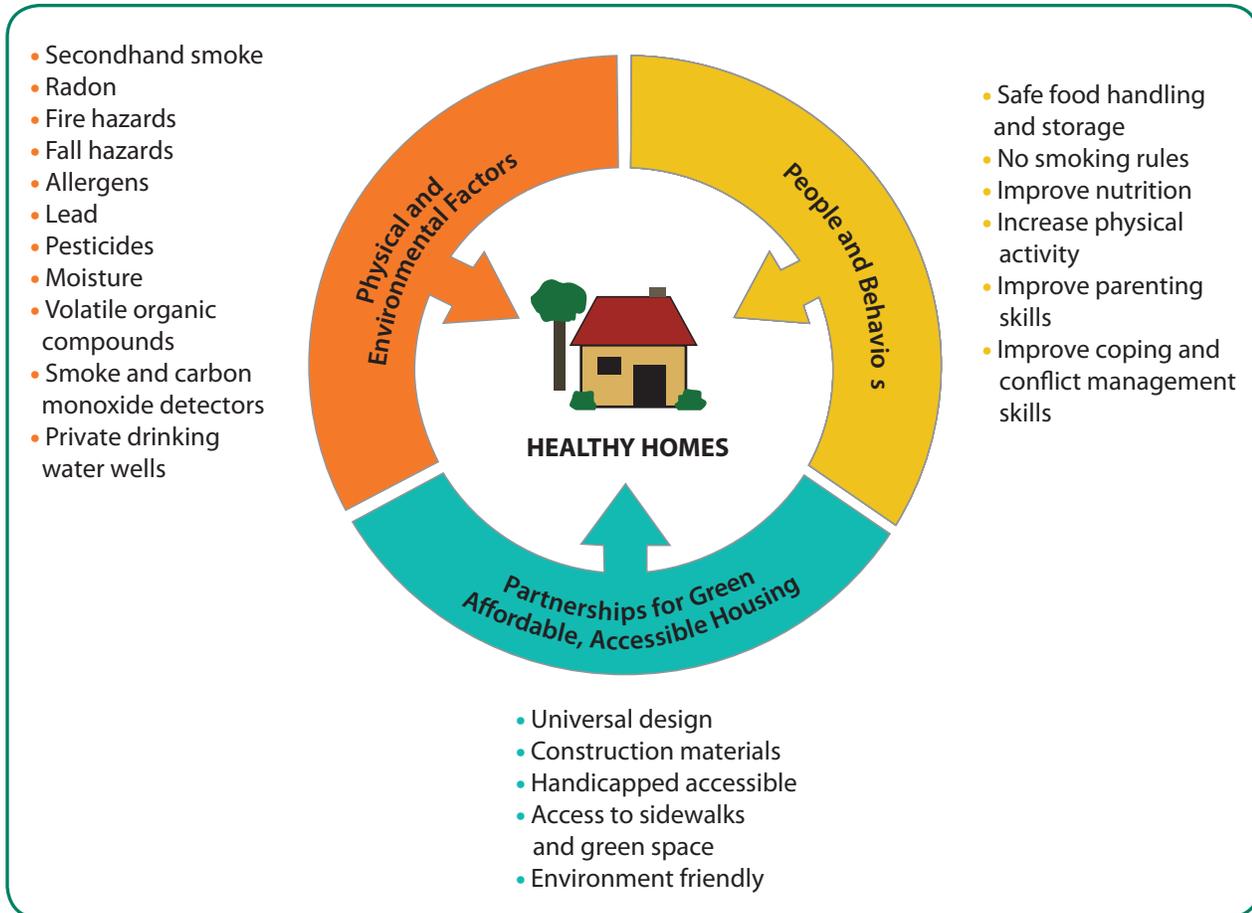


FIGURE 2: COMPONENTS OF A HEALTHY HOME

Moreover, Healthy Homes programs enjoy ready access to multiunit managers and tenants that state tobacco control programs, typically do not possess. Thus, Healthy Homes programs are therefore in a uniquely favorable position to build relationships with key stakeholders in order to lay the groundwork for policy change.

The only way to fully protect nonsmokers from SHS is to eliminate smoking in indoor settings.⁴ In a single-family home, this can be accomplished through a voluntary household rule which prohibits anyone from smoking inside the home at any time. However, residents of multiunit housing facilities

who adopt such household rules can still be exposed to SHS through infiltration from other units or common areas.²⁴ Therefore, only a policy making, at a minimum, all units and indoor common areas in a building smoke-free, can effectively protect tenants from SHS. Thus Healthy Homes programs' educational and outreach activities will be most effective if they are directed to ultimately achieving implementation of such policies by convincing owners, managers, and tenants of their importance and benefits. In addition to informing managers and tenants about the health effects of SHS, it is also important to provide managers and tenants who smoke with support and assistance in their efforts to quit, including information on available cessation resources.

It is important for smoke-free policies in multiunit housing to be implemented in a nonpunitive manner that does not stigmatize residents who smoke or refuse housing to applicants who smoke. Policies should be written and implemented in a way that minimizes the chances that multiunit housing residents are evicted for violations. Efforts should also be made to ensure that residents who do smoke have access to smoking cessation resources should they choose to take this opportunity to quit.

The following table provides a menu of resources that Healthy Homes programs can draw on to promote smoke-free policies in multiunit housing facilities. The table is based on a review of current best practices by state and local health departments, tobacco control agencies, public housing authorities, nonprofit organizations, and community organizations. The framework is structured around four broad strategic activity areas: coordination, communication, collaboration, and capacity building. The table also includes a list of tools and resources for each activity. The goal of this framework is to enable Healthy Homes programs to select and implement strategies to effectively reduce SHS exposure in multiunit housing. The specific approach a program selects will depend on its organizational capacity, resources, existing projects, and the characteristics and circumstances of the community in question.



TABLE 1: FRAMEWORK FOR ADVANCING SHS POLICIES WITHIN HEALTHY HOMES PROGRAMS

Corresponding URL's for this table are listed in the Reference section of this manual.

COORDINATION

<p>Research and analyze current smoke-free programs and policies.</p> <p>Review state and local demographics.</p> <p>Use information to target initial efforts and highlight existing efforts.</p>	<p><u>State Tobacco Activities Tracking and Evaluation (STATE) System^a</u></p> <p><u>American Lung Association State Reports^b</u></p> <p><u>Matrix of State Policies^c</u></p> <p><u>State Information by Tobacco Technical Assistance Consortium^d</u></p> <p><u>Tobacco Control State Highlights 2010^e</u></p> <p><u>Smoke-free Facilities Policy Inventory^f</u></p>
<p>Identify key gaps in resources that need to be addressed to support current efforts and develop a work plan.</p>	<p><u>Conduct a SWOT Analysis (CDC Template^g and Small Business Template^h)</u></p> <p><u>Utah's State Guide for Local Public Health Departmentsⁱ</u></p> <p><u>Planning Training by Tobacco Technical Assistance Consortium^j</u></p>
<p>Conduct a community assessment to identify community needs, characteristics, and cultural identity, and target outreach accordingly.</p>	<p><u>SFELP Community Assessment^k</u></p> <p><u>Rotary International Example Assessment^l</u></p> <p><u>Tools by National Network of Tobacco Control and Prevention^m</u></p>
<p>Research funding opportunities, including both private and public sources.</p>	<p><u>Foundation Centerⁿ</u></p> <p><u>HHS Grants^o</u></p> <p><u>HHS Grant Info and Tips^p</u></p>
<p>Identify potential regional partnerships, including government, policymakers, churches, housing associations (rental, realtor, tenant, home owner), businesses, etc.</p>	<p><u>Directory of Landlord Associations and Real Estate Investment Clubs^q</u></p> <p><u>Directory of Apartment Associations and Real Estate Associations^r</u></p> <p><u>Searchable Network of Non-Profit Partners^s</u></p> <p><u>Local/State Health Departments/Tobacco Control Programs^t</u></p> <p><u>Public Housing Agencies^u</u></p>

COMMUNICATION

Tailor outreach and education.

Resources targeted to operators should focus on financial issues such as turnover costs and on perceived barriers such as the legality of requiring individual units to go smoke-free.

Resources targeted to tenants should provide simply written and culturally appropriate information on the health effects of SHS exposure (including its health effects on children), SHS infiltration, and smoking cessation, including information on available cessation services.

[Landlord's Guide to Non-Smoking Policies from Smoke-free Oregon^y](#)

[How Landlords Can Prohibit Smoking in Rental Housing from Technical Assistance Legal Center^w](#)

[Legal Options for Tenants from Technical Assistance Legal Center^x](#)

[Tobacco Prevention Tools for the African American Church^y](#)

[APPEAL's Publications Targeting Asian Pacific Populations^z](#)

[EPA's Secondhand Tobacco Smoke and the Health of Your Family^{aa}](#)

See Toolkits examples in Addendum

Communicate provide concise and recognizable clear and credible messages. Use existing outreach channels such as realtor Web sites, event tabling, rental and housing association newsletters, newspapers, public television, radio, community meetings, presentations, and building tours.

[Media Advocacy Toolkit by American Public Health Association^{bb}](#)

[CDC's Media Campaign Resource Center^{cc}](#)

[Tools for Countering the Tobacco Industry by National Network for Tobacco Control and Prevention^{dd}](#)

[Media Advocacy by Tobacco Technical Assistance Consortium^{cc}](#)



COLLABORATION

Develop and sustain partnerships. Use co-branding, shared resources, joint training, and communication frameworks, as appropriate.

[Principles of Collaboration by National Network of Tobacco Control and Prevention^{ff}](#)

[CDC Partnership Trust Tool^{gg}](#)

[SFELP Coalition Assessment Tool^{hh} and Coalition Recruitmentⁱⁱ](#)

[Coalition Building Training by Tobacco Technical Assistance Consortium^{jj}](#)

Train staff and volunteers to conduct outreach and provide information on SHS issues.

[National Healthy Homes Training Center and Network^{kk}](#)

[Global Tobacco Control Online Training for Health Care Professionals^{ll}](#)

[Clinical Training for Healthcare Providers with CEASE^{mm}](#)

[North American Quitline Consortiumⁿⁿ](#)

[LaraSig Training for Medical Students and Professionals^{oo}](#)

Publicize existing and/or create Website listings that highlight smoke-free properties.

Searchable databases and web postings: [FreshStay^{pp}](#), [Show Me the Rent^{qq}](#), [RentLink^{rr}](#), [Smoke-free Apartment House Registry^{ss}](#), [Smoke-Free Hotels^{tt}](#)

State examples: [Smoke-free Maine^{uu}](#), [Smoke-free Michigan^{vv}](#), [American Lung Association of Washington^{ww}](#)



CAPACITY BUILDING

Elicit feedback, gather data, and evaluate programs, resource use, and staff experiences.

Participatory Research^{xx}

CDC's Introduction to Process Evaluation^{yy}

Conduct Resident Surveys (Example with Tobacco Prevention Network)^{zz}

CDC Evaluation Working Group^{aaa}

Provide homeowners, property owners, managers, and employees with information on communicating smoke-free policies and their benefits to residents and solving implementation problems.

Global Tobacco Control Free Online Training^{bbb}

Tobacco Technical Assistance Consortium^{ccc}

CDC Trainings for Public Health Advocates^{ddd}

Factsheet on Rent Control by Smoke-free Apartment House Registry^{eee}

Oregon Training Program for Property Managers^{fff}

Support local policy efforts to address SHS in multiunit dwellings.

Model Smoke-Free Housing Policy (Housing Commissions in Michigan)^{ggg}

Forming a Smoke-free Law Campaign^{hhh} by Americans for Nonsmokers' Rightsⁱⁱⁱ

Public Health Law Center, Comparison of Subsidized to Privately Owned Homes^{jjj}

NACCHO Smoke-free Policies Examples^{kkk}

Portland, Maine Multiunit Housing SHS Resolution^{lll}



VI. ADDENDUM

In addition to the resources listed above, a number of other helpful materials are available for Healthy Homes programs that are interested in working to reduce SHS exposure in multiunit housing. The following addendum provides an in-depth listing of research findings, best practices, web sites, and other information, including both online and print resources. Many resources were identified through interviews with smoke-free practitioners. Healthy Homes programs are free to use or adapt any of these materials.

ADDENDUM CONTENTS

- ▶ Toolkits
 - Table 2: Essential Components for a Toolkit
- ▶ Legality of Smoke-Free Policies
 - Table 3: Legal Basis for Smoke-free Multiunit Housing Policies
- ▶ Incentives
 - Table 4: Benefits of Going Smoke-Free for Owners, Managers, and Tenants
- ▶ Guide to Implementing Smoke-free Policies in Multiunit Housing for Owners, Managers, and Tenants

TOOLKITS

Toolkits offer a stand-alone resource kit that tenants, managers, and owners can use to address SHS exposure in their buildings. A number of cities, states, organizations, and agencies have developed toolkits on implementing smoke-free policies in multiunit housing. Some examples come from state programs in [Hawaii](#),^a [Maine](#),^b [Michigan](#),^c [Minnesota](#),^d and [Utah](#);^e local programs in [Western NY](#),^f [Oxford County, Ontario, Canada](#);^g and from [Americans for Nonsmokers Rights](#),^h [Public Health Law & Policy \(Technical Assistance Resource Center\)](#)ⁱ and the [Comprehensive Health Education Foundation](#).^j Table 2 outlines the essential components of a toolkit, providing examples. This summary highlights information and resources that Healthy Homes programs may want to include if they choose to develop their own toolkits.



TABLE 2: ESSENTIAL COMPONENTS OF A TOOLKIT

Corresponding URL's for this table are listed in the Reference section of this manual.

Talking Points and Educational Materials	Michigan's Talking Points to Tenants^a and FAQ on Smoke-free Policies^b Oregon Training Program for Property Managers^c Maine's Tips for Enforcement^d No Smoking Policy Plan Options & Talking Points for Housing Authorities^e
Planning for a Smoke-Free Policy	Housing Authority of Portland's (HAP) Steps Toward a No-Smoking Policy^f Foothill Apartment Association Magazine, "How to Transition a Building to Smoke-free"^g
Adopting, Implementing, and Enforcing a Policy or Ordinance	Community Action Model^h , Tobacco Example from San Franciscoⁱ Clean Indoor Air Regulation Toolkit^j by Smoke-Free Environments Law Project Smoke-free Housing Ordinance^k and Making a New Smoke-free Housing Law Work^l by Public Health Law Center
Model Lease Agreement with No Smoking Language	Lease Forms Metro Multifamily Housing Association^m , Oregon Rental Housing Associationⁿ and Smoke-free Buffalo, NY^o , MI Model Smoke-free Lease Provisions^p , and MI Model Policy for HUD-funded Housing, with Temporary Exemption Form^q , No Smoking Policy Lease Addendum Template^r Guardian Management's Oregon House Rules for USDA Rural Development Financing^s
Maintenance Costs	Fact Sheet on Restoring a Smoke Damaged Apartment^t Sanford Housing Authority of Maine, Chart of Smokers Maintenance Costs 2004-2005^u
Legal Basis	Landlord Rights in Michigan^v Legal Cases on Secondhand Smoke for Property Managers^w Legal Options for Condominium Owners^x and Secondhand Smoke Seepage into Multiunit Affordable Housing^y by TCLC
Model Letters	Housing Authority of Portland, OR Notice of Lease Revision^z Guardian Management Letter to Rural Housing Residents^{aa} Hawaii Example Letter to Landlord^{bb} and Petition^{cc} from residents Oregon: Steps to Communicate and Enforce^{dd} (Warning Letter^{ee} and Violation Warning^{ff})
Listing Services	Smoke-free Maine^{gg} , Smoke-free Michigan^{hh} , American Lung Association of Washingtonⁱⁱ
Surveys	Sample Tenant Survey Questions by Buffalo, NY^{jj} Tobacco Prevention Network Healthy Air Survey Questions^{kk} , Sample letter to residents^{ll} and Postcard follow-up^{mm} Seattle Housing Authority's Senior Housing Resident Surveyⁿⁿ
Signage	Buffalo, NY^{oo} , Michigan^{pp} , Maine^{qq} , Utah^{rr} , Oregon^{ss}

TABLE 3: LEGAL BASIS FOR SMOKE-FREE MULTIUNIT HOUSING

Multiunit housing operators' concerns about the legality of requiring individual units to go smoke-free can pose a major barrier to adoption of smoke-free multiunit housing policies. A number of nongovernmental legal organizations have responded to these concerns by providing analyses of the relevant legal issues. While these resources provide an overview of these issues, they do not constitute legal advice. The language of all smoke-free policies should be based on model language that has withstood legal scrutiny, and should be reviewed by an attorney knowledgeable about local and state ordinances before the policy is adopted.

Corresponding URLs for this table are listed in the Reference section of this manual.

Federal Law	There is no constitutional right to smoke, and no law precludes adoption of smoke-free policies in multiunit housing, including policies that make individual units smoke-free. Smoke-free policies are not discriminatory, since smoking is not a protected act and smokers are not a protected class. In some cases, it may be necessary to grandfather for a limited amount of time (e.g., until their leases come up for renewal). For analysis, see Tobacco Control Legal Consortium's There is No Constitutional Right to Smoke . ^a
Federal Statutes: American with Disabilities Act	The Americans with Disabilities Act permits smoke-free policies. Because smoking is not considered a disability, smokers are not protected under the Fair Housing Act or the Rehabilitation Act. ⁴⁴ Some health conditions affected by SHS could be considered a disability (e.g., emphysema, heart conditions, asthma, COPD). Multiunit housing facilities may be required to provide some nonsmoking tenants who are affected by SHS infiltration some accommodation for these conditions on a case-by-case basis. See Tobacco Control Resource Center's How Disability Laws Can Help Tenants Suffering from Drifting Tobacco Smoke . ^b
Federal Statutes: Fair Housing Act	No law or regulation requires making a dwelling available to someone who would "constitute a direct threat to the health or safety of other individuals." ⁴⁵ See Smoke-free Environments Law Project Analysis of the Fair Housing Act ^c and Analysis of Housing Authorities and Section 8 . ^d
State Statute Designation	Most state smoking restrictions focus on workplaces and public places rather than multiunit housing. Some state laws restrict smoking in common areas in multiunit housing complexes. Utah ^e law establishes SHS as a potential nuisance, giving tenants grounds for legal action. ⁴⁶ In addition, Utah law also specifically allows condominium associations to restrict smoking in units, common areas, and facilities. ³⁴ In Oregon , ^f a disclosure law requires a property owner to notify prospective tenants of a multiunit housing facility's smoking policy and the areas where smoking is permitted. ⁴⁷

Local City/
County

A number of communities in California have adopted ordinances addressing SHS infiltration in multiunit housing. These ordinances range from requirements that apartment managers disclose units where smoking is occurring to policies making indoor and/or outdoor common areas smoke-free to policies making individual units in some or all buildings smoke-free. These policies may initially apply only to new properties or may cover existing properties as well. Communities and states can also use tax credits, bonus points in competitive grant proposals, and other financial incentives to encourage the adoption of smoke-free multiunit housing policies ([California Tax Credits](#).^g Also, local Ordinances are effective (Oakland, CA; Buffalo, NY). For sample ordinance provisions that provide an overview of the available policy options, see the Center for Tobacco Policy and Organizing and the American Lung Association in California, [Comparison of Nonsmoking Housing Units Ordinances in August 2009](#).^h

ADDITIONAL LEGAL RESOURCES:

- ▶ [Smoke-free Environments Law Project](#)ⁱ
- ▶ [Public Health Law and Policy, Technical Assistance Legal Center](#)^j
- ▶ [Tobacco Control Legal Consortium at the Public Health Law Center of William Mitchell College of Law](#)^k
- ▶ [“Secondhand Smoke Seepage into Multiunit Affordable Housing”](#)^l [“A Warning Label for Your Building: Disclosing Smoking Policies for Multiunit Buildings”](#)^m
- ▶ [Tobacco Control Resource Center at Northeastern University School of Law, “Smoke Knows No Boundaries: Legal Strategies for Environmental Tobacco Smoke Incursions into the Home Within Multiunit Residential Dwellings”](#)ⁿ
- ▶ [Minnesota Partnership for Action Against Tobacco, “Legal Research Regarding Smoke-Free Buildings and Transfer of Environmental Tobacco Smoke Between Units in Smoking-Permitted Buildings”](#)^o



TABLE 4: BENEFITS OF GOING SMOKE-FREE FOR OWNERS, MANAGERS, AND TENANTS

INCENTIVE	EVIDENCE
Reduced Staff Time	Surveys of owners find that staff time spent dealing with smoking complaints was reduced following implementation of a smoke-free policy. ²⁵
Lower Maintenance/ Turnover Costs	Maine’s Sanford Housing Authority found that the cost of renovating smokers’ units ranged from \$1,070-1,670 versus \$550 for a non-smoking unit. ³⁹
Improved Tenant Health and Increased Cessation	Starting smoke-free home rules in single-family homes leads to reduced SHS exposure, increased smoking cessation, and reduced smoking among adult and adolescent smokers. ^{52-66,22}
Higher Renter Preference/Demand	High preference and demand for smoke-free housing, as documented by renter surveys. ²⁶ See Smoke-Free Environments Law Project ^p website for more surveys.
Increased Resale Value	New York realtors have reported that smokers’ residences are harder to sell than nonsmokers’ residences. ⁶⁷ Nonsmoking restaurants have on average a 16 percent higher resale value. ⁶⁸
Reduced Fire Risk	Cigarettes are a major cause of residential fires and the leading cause of fatal residential fires. ^{69-70,40}
Lower Insurance Costs	Some insurance companies offer discounts on fire, life, liability, and property insurance to multi-unit housing complexes that have adopted smoke-free policies. ⁷¹



SAMPLE IMPLEMENTATION GUIDE FOR OWNERS AND MANAGER

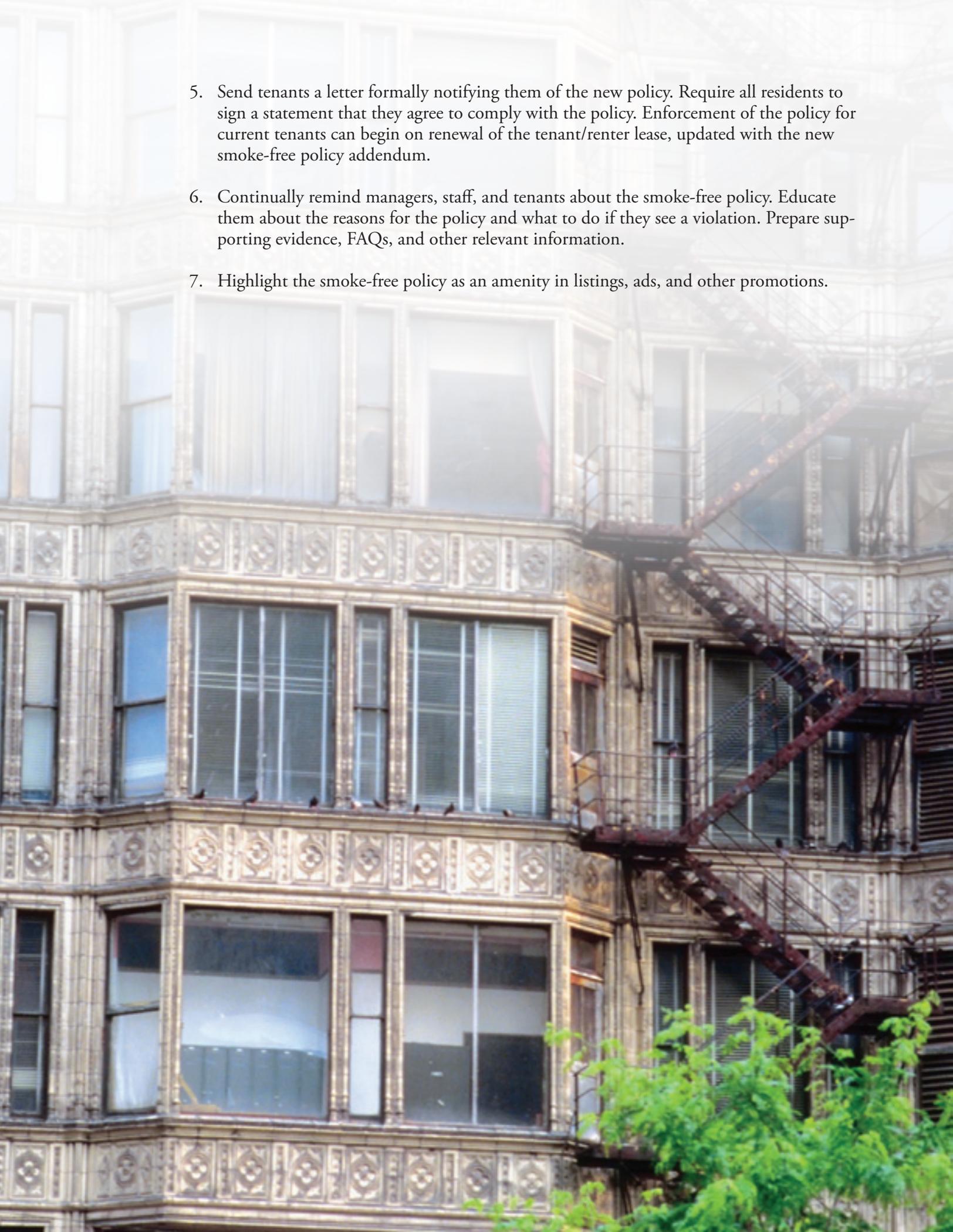
Adopting a smoke-free policy in new properties should be relatively straightforward because—management can establish a smoke-free norm from the start.

1. Establish a 100 percent smoke-free policy in all buildings, including individual units and common areas.
2. Include smoke-free provisions in lease/rental agreements.
3. Prominently post “No smoking” signs at entrances, on bulletin boards, in stairwells, and in other locations.
4. Highlight the smoke-free policy as an amenity in listings, ads, and other promotions.
5. Continually remind managers, staff, and tenants about the smoke-free policy. Educate them about the reasons for the policy and what to do if they see a violation. Prepare supporting evidence, FAQs, and other relevant information.

Adopting a smoke-free policy in existing properties may require more intensive planning and education, and could involve a phased-in approach to provide a transition period for tenants who are accustomed to smoking in their units.

1. Decide on the policy’s scope and provisions and on the timeline for implementing it. For example, will the policy apply to individual units as well as common areas, and will it apply to some or all buildings? Also explain how the policy will handle existing tenants who smoke in their units (e.g., they may be grandfathered in until their leases come up for renewal, and, then be required to comply). Use building meetings, notices, and signs to let tenants know that the smoke-free policy is coming. This process should begin several months before the policy’s effective date. Use this opportunity to educate tenants on the dangers of SHS and the issue of SHS infiltration. Tell tenants when the policy will take effect and explain how it will be enforced. Ask tenants for ideas on how to implement the policy, but do not give them veto power over its provisions. If necessary, conduct a small survey to gauge tenant response to and readiness for the policy. During the policy phase-in, consider clustering nonsmokers and smokers in separate buildings. Tenants who smoke can be offered incentives to move to these buildings.
2. Publicize available smoking-cessation services. Provide support and encouragement to smokers who choose to take this opportunity to quit. Make sure to identify SHS and SHS infiltration, not smokers, as the problem. Don’t use language or take steps that could make smoking tenants feel stigmatized.
3. Prominently post “No smoking” signs.
4. Remove ashtrays or relocate them to more appropriate locations.

5. Send tenants a letter formally notifying them of the new policy. Require all residents to sign a statement that they agree to comply with the policy. Enforcement of the policy for current tenants can begin on renewal of the tenant/renter lease, updated with the new smoke-free policy addendum.
6. Continually remind managers, staff, and tenants about the smoke-free policy. Educate them about the reasons for the policy and what to do if they see a violation. Prepare supporting evidence, FAQs, and other relevant information.
7. Highlight the smoke-free policy as an amenity in listings, ads, and other promotions.



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TABLE 1: FRAMEWORK FOR ADVANCING SHS POLICIES WITHIN HEALTHY HOMES PROGRAMS

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- ^b <http://slati.lungusa.org/states.asp>
- ^c <http://www.smokefree.net/sfplaces.php>
- ^d <http://www.ttac.org/>
- ^e http://www.cdc.gov/tobacco/data_statistics/state_data/state_highlights/2010/map/index.htm
- ^f http://www.tcsg.org/sfelp/toolkit/SFFacility_01.pdf
- ^g http://www.cdc.gov/phin/communities/resourcekit/tools/evaluate/swot_analysis.html
- ^h <http://rapidbi.com/created/SWOTanalysis/>
- ⁱ <http://www.tobaccofreeutah.org/shsmultiple.pdf>
- ^j http://learningcenter.ttac.org/learning/comp05/05_comp.asp
- ^k http://www.tcsg.org/sfelp/toolkit/Communityenviron_01.pdf
- ^l http://www.rotary.org/ridocuments/en_pdf/605c_en.pdf
- ^m <http://www.tobaccopreventionnetworks.org/site/c.ksJPKXPFJpH/b.2588553/k.C5FF/Tools.htm>
- ⁿ <http://foundationcenter.org/>
- ^o <http://www.grants.gov/>
- ^p <http://www.hhs.gov/asfr/ogapa/aboutog/grantsnet.html>
- ^q <http://www.thelpa.com/lpa/associations.html>
- ^r http://www.landlord.com/assoc_main.htm
- ^s <http://www.wiserearth.org/>
- ^t http://www.cdc.gov/tobacco/tobacco_control_programs/index.htm
- ^u <http://www.hud.gov/offices/pih/systems/pic/haprofiles/>
- ^v http://www.smokefreeoregon.com/housing/landlords/how-to_guide.php



- ^w http://www.casmokefreehousing.org/documents/landlords_affordable/How%20Landlords%20Can%20Prohibit%20Smoking%20in%20Rental%20Housing-English.pdf
- ^x <http://www.phlpnet.org/tobacco-control/products/tenantsdriftingsmoke>
- ^y <http://healthedcouncil.org/naaten/resource.html>
- ^z <http://www.appealforcommunities.org/publications>
- ^{aa} http://www.epa.gov/smokefree/pdfs/trifold_brochure.pdf
- ^{bb} http://www.apha.org/NR/rdonlyres/A5A9C4ED-1C0C-4D0C-A56C-C33DEC7F5A49/0/Media_Advocacy_Manual.pdf
- ^{cc} http://www.cdc.gov/tobacco/media_campaigns/index.htm
- ^{dd} <http://www.tobaccopreventionnetworks.org/site/c.ksJPKXPFJpH/b.2588533/k.C5BF/Tools.htm>
- ^{ee} http://learningcenter.ttac.org/learning/comp03/03_comp.asp
- ^{ff} <http://www.tobaccopreventionnetworks.org/site/c.ksJPKXPFJpH/b.2582393/k.922F/Collaboration.htm>
- ^{gg} <http://www.cdc.gov/prc/program-material/partnership-trust-tools.htm>
- ^{hh} http://www.tcsg.org/sfelp/toolkit/CoalitionAssessment_01.pdf
- ⁱⁱ http://www.tcsg.org/sfelp/toolkit/CoalitionAssesmentATT_01.pdf
- ^{jj} http://learningcenter.ttac.org/learning/comp01/01_comp.asp
- ^{kk} <http://www.healthyhomestraining.org/>
- ^{ll} <http://www.globaltobaccocontrol.org/node/12633>
- ^{mmm} <http://www2.massgeneral.org/ceasetobacco/>
- ⁿⁿ <http://www.naquitline.org/>
- ^{oo} <http://www.larasig.com/>
- ^{pp} <http://www.freshstay.com/>
- ^{qq} <http://www.showmetherent.com/>
- ^{rr} <http://www.rentlinx.com/>
- ^{ss} <http://www.smokefreeapartments.org/>
- ^{tt} <http://www.smoke-freehotels.com/>

- uu <http://www.smokefreeforme.org/housing.php>
- vv <http://www.mismokefreeapartment.org/listing.html>
- ww <http://www.alaw.rentlinx.com/Search.aspx>
- xx http://www.tobaccoventionnetworks.org/site/c.ksJPKXPFJpH/b.2588551/k.3A7B/Community_Participatory_Research.htm
- yy http://www.cdc.gov/tobacco/tobacco_control_programs/surveillance_evaluation/process_evaluation/pdfs/tobaccousemanual_updated04182008.pdf
- zz <http://www.chef.org/HealthEquityPartners/TobaccoPrevention/tabid/99/Default.aspx>
- aaa <http://www.cdc.gov/eval/>
- bbb http://globaltobaccocontrol.org/en/online_training
- ccc <http://learningcenter.ttac.org/>
- ddd <http://www.cdc.gov/prc/training/advocates/index.htm>
- eee <http://www.smokefreeapartments.org/>
- fff <http://www.chef.org/LinkClick.aspx?fileticket=11KQXeq3Z4c%3d&tabid=99>
- ggg <http://mysmokefreehousing.org/pdf/ModelHousingCommissionPolicy-MI.pdf>
- hhh <http://www.no-smoke.org/goingsmokefree.php?dp=d13%7Cp136>
- iii <http://www.no-smoke.org/goingsmokefree.php?dp=d13%7Cp136>
- jjj <http://www.chef.org/LinkClick.aspx?fileticket=1bhEuoutayM%3d&tabid=99>
- kkk <http://www.naccho.org/topics/hpdp/tobacco/smokefreepolicyguidelines.cfm>
- lll <http://www.portlandmaine.gov/misc/news/resolution.pdf>

ADDENDUM TOOLKIT: STATE EXAMPLES

- a <http://www.hawaiismokefreehomes.org/>
- b <http://www.smokefreeforme.org/index.php>
- c <http://www.mismokefreeapartment.org/index.html>
- d <http://www.mnsmokefreehousing.org/>
- e <http://www.tobaccofreeutah.org/aptcondoguide.html>

- ^f http://smokefreehome.org/documents/89552_TAC_FactSheets_FINAL.pdf
- ^g http://www.county.oxford.on.ca/Portals/_county/1835/SHS_Landlords_Fact_Sheet_Final_Feb_06.pdf
- ^h <http://www.no-smoke.org/goingsmokefree.php?id=101>
- ⁱ <http://www.phlpnet.org/talc>
- ^j <http://www.chef.org/HealthEquityPartners/TobaccoPrevention/tabid/99/Default.aspx>

TABLE 2: ESSENTIAL COMPONENTS OF A TOOLKIT

- ^a <http://www.mismokefreeapartment.org/l20tenants.html>
- ^b <http://www.tcsg.org/sfelp/FAQonSFApts9-4-06.pdf>
- ^c <http://www.chef.org/LinkClick.aspx?fileticket=11KQXeq3Z4c%3d&tabid=99>
- ^d <http://www.smokefreeforme.org/landlord.php?page=Tips+for+Enforcement>
- ^e <http://www.smokefreehousinginfo.com/pdfs%20and%20other%20docs/Public%20housing%20docs/PNRC%20Guidance%20for%20No-Smoking%20Policies.5.12.10.pdf>
- ^f <http://www.chef.org/LinkClick.aspx?fileticket=bvBbnhKqq00%3d&tabid=99>
- ^g <http://www.smokefreeapartments.org/>
- ^h <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC1449228/pdf/0950611.pdf>
- ⁱ <http://www.sfdph.org/dph/comupg/oprograms/CHPP/CAM/default.asp>
- ^j <http://www.tcsg.org/sfelp/CIARegToolkit.htm>
- ^k <http://www.phlpnet.org/tobacco-control/products/smokefree-housing-ordinance>
- ^l <http://www.phlpnet.org/tobacco-control/products/smokefreehousinglawwork>
- ^m <http://www.metromultifamily.com/>
- ⁿ <http://www.oregonrentalhousing.com/>
- ^o <http://smokefreehome.org/documents/SampleLeaseWSmokingPolicy.pdf>
- ^p <http://www.mismokefreeapartment.org/modellease.pdf>
- ^q NOTE: This reference can only be assessed by clicking on the weblink.
- ^r NOTE: This reference can only be assessed by clicking on the weblink.



- ^s <http://smokefreehousinginfo.com/pdfs%20and%20other%20docs/Rural%20Development%20-%20Oregon%20House%20Rules%20.pdf>
- ^t http://www.smokefreeapartments.org/Registry_Pix/Restoring%20a%20Smoked-In%20Apt.pdf
- ^u http://www.smokefreeforme.org/presentation/maintenance_cost.pdf
- ^v <http://www.mismokefreeapartment.org/l3rights.html>
- ^w <http://www.tobaccofreeutah.org/legalcases-shs.pdf>
- ^x http://www.smokefreeapartments.org/Registry_Pix/schoenmarklin_article.pdf
- ^y http://www.publichealthlawcenter.org/sites/default/files/resources/tclc-syn-secondhand-2010_0.pdf
- ^z <http://smokefreehousinginfo.com/pdfs%20and%20other%20docs/Public%20housing%20docs/Notice%20of%20revision%20of%20lease%20-%20HAP.pdf>
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- ^{dd} <http://smokefreehousinginfo.com/pages/Enforcement%20&%20Communication.html>
- ^{ee} <http://smokefreehousinginfo.com/pdfs%20and%20other%20docs/Friendly%20Warning%20Letter.doc>
- ^{ff} <http://smokefreehousinginfo.com/pdfs%20and%20other%20docs/Violation%20Warning%20Letter.doc>
- ^{gg} <http://www.smokefreeforme.org/housing.php>
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- ⁱⁱ <http://www.alaw.rentlinx.com/Search.aspx>
- ^{jj} <http://smokefreehome.org/documents/TenantSurvey.pdf>
- ^{kk} <http://www.chef.org/LinkClick.aspx?fileticket=JIImNDuw1LU%3d&tabid=99>
- ^{ll} <http://www.chef.org/LinkClick.aspx?fileticket=aKkFP37rnX4%3d&tabid=99>
- ^{mmm} <http://www.chef.org/LinkClick.aspx?fileticket=K0fRolhO88o%3d&tabid=99>
- ⁿⁿ <http://www.chef.org/LinkClick.aspx?fileticket=uijERl64Ffw%3d&tabid=99>
- ^{oo} http://smokefreehome.org/documents/07274_NoSmoking_10x8Rect_Decal_InOut.pdf

- ^{pp} <http://www.mismokefreeapartment.org/l18signage.html>
- ^{qq} <http://smokefreeforme.org/landlord.php?page=Model+Signage>
- ^{rr} <http://www.tobaccofreeutah.org/aptcondoguide-signs.html>
- ^{ss} <http://www.smokefreehousinginfo.com/pages/Signs-smokefree%20property.html>

TABLE 3: LEGAL BASIS FOR SMOKE-FREE MULTIUNIT HOUSING

- ^a http://www.publichealthlawcenter.org/sites/default/files/resources/tclc-syn-constitution-2008_0.pdf
- ^b <http://www.phlpnet.org/tobacco-control/products/disabilitylawsdriftingsmoke>
- ^c http://www.tcsg.org/sfelp/fha_01.pdf
- ^d http://www.tcsg.org/sfelp/public_housing24E577.pdf
- ^e <http://www.tobaccofreeutah.org/sechndsmokeam.html>
- ^f http://www.smokefreehousingnw.com/landlords/landlord_fact_sheet.pdf
- ^g http://www.casmokefreehousing.org/documents/decision_makers/TaxCreditFactSheet.pdf
- ^h <http://www.center4tobaccopolicy.org/files/files/Comparison%20of%20Nonsmoking%20Housing%20Units%20Ordinances%20August%202009.pdf>
- ⁱ <http://www.tcsg.org/sfelp/home.htm>
- ^j <http://www.phlpnet.org/talc>
- ^k <http://www.publichealthlawcenter.org/documents/publications/guides-toolkits>
- ^l http://www.publichealthlawcenter.org/sites/default/files/resources/tclc-syn-secondhand-2010_0.pdf
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- ⁿ <http://www.tcsg.org/sfelp/kline.htm>
- ^o <http://www.mncee.org/pdf/research/report.pdf>
- ^p <http://www.tcsg.org/sfelp/home.htm>



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